

Docket No.: 60095-0039

REMARKS/ARGUMENTS

The Examiner is thanked for his comments during a telephone interview of June 22, 2004 which have greatly helped the Applicant in responding to the Office Action. Each issue raised in the Final Office Action mailed April 22, 2004 is addressed hereinafter.

I. STATUS OF CLAIMS

Claims 1-14 remain in this application. Claims 1-15 have been rejected.

Applicant notes that the Office Action cites Claims 1-15, but Claims 1-14 remain. Claim 8 has been amended to clarify the invention. The erroneous appearance of Claims 21 and 22 were due to an automatic numbering feature of Word and in actuality are Claims 1 and 8. Claim 5 was mislabeled was not amended in the 25 June 2004 response.

II. SPECIFICATION

Applicant believes that the title is descriptive because, as further noted below, the integrated point of presence network integrates a plurality of customer Web servers with a network of caching servers. Applicant invites the Examiner to suggest any further detail needed in the title.

III. CLAIM REJECTIONS – 35 U.S.C. § 112

The Office Action rejected Claim 8 under 35 U.S.C. § 112, second paragraph. Applicant has amended Claim 8 to address the Office Action's concerns. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph.

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IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Chauhan (hereinafter “Chauhan”) U.S. Patent No. 6,115,752 in view of Scharber (hereinafter “Scharber”) U.S. Patent No. 6,542,964. The rejection is respectfully traversed.

Claims 1 and 8 appear as follows:

1. A method, comprising:

receiving a request from a user for a web page at a first web address, the first web address including a hostname;

determining traffic loads of a plurality of mirrored customer web servers, each of the customer web servers storing the web page;

determining a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load lower than traffic loads of remaining customer web servers from the plurality of mirrored customer web servers;

determining an IP address of the customer web server;

directing the request from the user to the customer web server;

thereafter

receiving a request from the user for static content on the web page at a second web address, the second web address including the hostname;

determining service metrics of caching servers in a network of caching servers;

determining the caching server from the network of caching servers that is appropriate for the request for static content, the caching server having service metrics better than service metrics of remaining caching servers from the network of caching servers;

retrieving the static content from the caching server; and

providing the static content to the user.

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8. A method, comprising:

receiving a first request from a client DNS server to resolve a first domain name, the client DNS server receiving a request from a user of a web page address that includes the first domain name;

determining load measurements of a plurality of mirrored customer web servers, each of the customer web servers addressable by the first domain name, and each of the customer web servers configured to service the request from the user;

determining a customer web server from the plurality of mirrored customer web servers, the customer web server having a traffic load lower than traffic loads of other customer web servers from the plurality of mirrored customer web servers;

determining an IP address of the customer web server;

providing the IP address of the customer web server to the client DNS server; thereafter

receiving a second request from the client DNS server to resolve a second domain name, the client DNS server receiving a request from the user of a uniform resource locator that includes the second domain name;

determining performance metric measurement of caching servers in a network of caching servers, each of the caching servers addressable by the second domain name;

determining a caching server from the network of caching servers, the caching server having performance metrics lower than performance metrics of other caching servers from the network of caching servers;

providing the IP address of the caching server to the client DNS server;

retrieving data from the caching server in response to the uniform resource locator; and

providing the data to the user.

Both Chauhan and Scharber describe networks with homogeneous servers.

Chauhan describes the operation of mirrored server sites and Scharber describes the caching protocol of cache servers. There is no teaching or suggestion in either reference

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to combine Chauhan and Scharber as the Office Action suggests.

Claims 1 and 8 cite an integrated system that directs traffic to a plurality of customer servers and a network of caching servers. This is a unique feature of Claims 1 and 8 and is not found in either Chauhan or Scharber. Neither Chauhan nor Scharber make any distinction between customer Web servers and caching servers. It is unclear how the Office Action resolves the fact that Chauhan makes not mention of customer Web servers.

Additionally, neither Chauhan nor Scharber contemplate any benefit in using a customer's existing plurality of Web servers, but rather solve a specific problem for a vendor that supplies hosting servers. Chauhan and Scharber further do not address an integrated network as claimed in Claims 1 and 8.

There is no logical rationale why one of ordinary skill in the art at the time the invention was made would incorporate the use of Scharber's POP cache serving into Chauhan's system. Chauhan would simply add more mirror sites to lessen load and traffic on other mirror sites. To combine Chauhan and Scharber as the Office Action suggests does not result in the claimed invention.

Therefore, Chauhan in view of Scharber does not teach or disclose the invention as claimed.

Claims 1 and 8 are allowable. Claims 2-7, and 9-14 are dependent upon independent Claims 1 and 8, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

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V. CONCLUSIONS & MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



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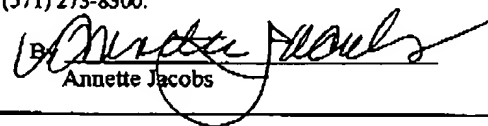
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on September 29, 2005


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